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15BG/MR

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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FEB - 5 2016

CLERK, U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

Name and address of Plaintiff:

JAMES LEE DAVIS - DOC # 169791
950 2ND AVE. POD 2F
PITTSBURGH, PA 15219

v.

Full name, title, and business address
of each defendant in this action:

1. WILKINSBURG POLICE DEPARTMENT

3. WILKINSBURG POLICE OFFICER MICHAEL BENDER

2. KIM MARIE HOOTS, MAGISTRATE JUDGE
907 WEST ST.
WILKINSBURG, PA 15221

Use additional sheets, if necessary
Number each defendant.

Plaintiff brings this action against the above named and identified defendants on the following cause of action:

- I. Where are you now confined? ALLEGHENY CO. PRISON
What sentence are you serving? DETAINED PRETRIAL
What court imposed the sentence? KIM MARIE HOOTS

II. Previous Lawsuits

- A. Describe any and all lawsuits in which you are a plaintiff which deal with the same facts involved in this action. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs N/A

Defendants N/A

2. Court (if federal court, name the district; if state court, name the county) and docket number
N/A

3. Name of judge to whom case was assigned N/A
4. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

5. Approximate date of filing lawsuit N/A
6. Approximate date of disposition N/A

B. Prior disciplinary proceedings which deal with the same facts involved in this action:

Where? N/A

When? N/A

Result: N/A

- III. What federal law do you claim was violated? FOURTH AMENDMENT,
FIFTH AMENDMENT

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

- A. Date of event: 12/20/15
- B. Place of event: 500 SOUTH AVE. PITTSBURGH, PA 15221 (OUTSIDE OF HOME)
- C. Persons involved--name each person and tell what that person did to you: ON 12/20/15, WILKINSBURG POLICE DEPARTMENT AND THEIR OFFICER MICHAEL BENDER VIOLATED MY FOURTH AND FIFTH AMENDMENT RIGHTS UNDER THE CONSTITUTION BY ARRESTING ME WITHOUT PROBABLE CAUSE AND LYING IN THEIR AFFIDAVIT OF PROBABLE CAUSE STATING THEY PERSONALLY OBSERVED ME DROP A PRESCRIPTION BOTTLE WHICH CONTAINED CRACK COCAINE.

ON 12/30/15, AT THE PRELIMINARY HEARING, KIM MARIE HOOTS HEARD TESTIMONY FROM BENDER IN WHICH HE STATED HE PERSONALLY OBSERVED ME DOING NOTHING, CONTRADICTING HIS AFFIDAVIT OF PROBABLE CAUSE AND HOOTS STILL ALLOWED CHARGES TO BE SENT TO ALLEGHENY COUNTY MAKING MY INCARCERATION PERIOD ILLEGAL.

- V. Did the incident of which you complain occur in an institution or place of custody in this District?
If so, where?

NO

and answer the following questions:

- A. Is there a prisoner grievance procedure in this institution?
Yes () No ()
- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?
Yes () No ()
- C. If your answer is YES,
1. What steps did you take? _____

 2. What was the result? _____

- D. If your answer is NO, explain why not: _____

- E. If there is no prison grievance procedure in the institution, did you complain to prison authorities?
Yes () No ()
- F. If your answer is YES,
1. What steps did you take? _____

 2. What was the result? _____

VI. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I WANT A FEDERAL INVESTIGATION INTO THE POLICE DEPARTMENT IN
WILKINSBURG, INTO KIM HOOTS FOR CASE FIXING AND \$1,000.00 PER
DAY OF ILLEGAL INCARCERATION.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND
CORRECT.

1/31/16
(Date)

James Davis
(Signature of Plaintiff)